

**TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 2, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Monroe Kiar thanked the Council for the job it was doing. He stated that at the last meeting, a vote was held on the placement of an antenna on top of a billboard which the residents were concerned with. Mr. Kiar asked someone on the prevailing side to reconsider their vote for further discussion as the antenna would be detrimental to the community. He discussed an article in the Community News.

Al Dougherty, 13851 Appalachian Trail, discussed his concerns with the entrance/exit at the Walgreens to be built on 136th Street and Shenandoah Parkway. He asked that the entrance/exit be similar to the Walgreens on University Drive and 30th Street. Mr. Dougherty asked for Council's help before the structure was built. Michele Mellgren, Director of Development Services, advised that the entrance had been platted and the site plan had been approved by Council. Mr. Rawls advised that the property had been platted for many years with the access points and staff had attempted to achieve the greatest separation between activities but were constrained by platted rights. He added that if the Town attempted to change the access, it would have to find some way of compensating the owner for property rights. Mr. Rawls indicated that he would review the access and would contact Mr. Dougherty to provide historical elements.

Robert Hoth, 1361 Whitestone Way, echoed Mr. Dougherty's concerns.

Jay Stahl, 5801 Surrey Circle West, appreciated the improvements made at the Dykes Road/Griffin Road intersection. He indicated that the residents were asking that "no right turn on red" signs be installed on the northbound side of Dykes Road and Griffin Road.

Mr. Stahl stated that the New Zealand group had a good fight song and questioned if the Town had a fight song. Bruce Novak, 4260 SW 78 Drive, congratulated the three Councilmembers who voted in favor of the Town's firefighters providing EMS services from the Flamingo Station. He stated that Council would need to provide the necessities and indicated that the needs of the Town would be in more demand as the Town grew. Mr. Novak indicated that mutual aid could play a large part with the Town's resources and stated that equipment, personnel and training would provide the services the residents deserved and respected.

Tom Truex, 4740 SW 72 Avenue, asked the Town to work towards establishing an ethics code for Council and candidates. He suggested that the code be purely voluntary without criminal sanctions but candidates would sign a statement if they would abide by the code. Mr. Truex indicated that he had provided Council with a proposed ethics code.

Mr. Truex asked Council to preserve the Griffin Road corridor's dignity and the neighborhood. He asked that there be a forum for discussion on the financing of the \$12,000,000 parks bond.

Debbie Apolinario stated that Oak Hill resident Phyllis Kowal was moving to Plantation and indicated that she would be missed. She questioned the status of the horse caution signs in the Oak Hill area with Mr. Rawls advised that there was a conflict with Broward County but indicated that he would re-review the situation.

Ms. Apolinario stated that the schools were "capping out" quickly with the development and she remembered Howard Zimmerman offering land for the Broward County School Board to build a school. She asked that this situation be re-reviewed.

Ms. Apolinario agreed with Mr. Truex on the parks bond issue and advised that any remaining bond money could only be used for parks. She stated that she was "excited" for the bond to be approved in the November election and thanked the staff who worked on the fields. Ms. Apolinario questioned the survey stakes on one of the fields

at Bamford with Mr. Rawls responding that soccer fields should be completed within 90 days.

Ms. Apolinario stated that she was on the Parks and Recreation Advisory Board and thanked Community Services Director Sharon Pierce-Kent and her staff for their support.

Maria Porta, 4651 SW 70 Terrace, stated that she was concerned with the work being done on Griffin Road. She indicated that one concern was that the owners along Griffin Road would be applying for variances because of the work and she hoped Council would give this issue a lot of thought. Mayor Venis announced that a Griffin Road corridor workshop would be held on September 10th.

David Lunden, 3720 SW 61 Avenue, stated that Monty Roberts had a special language with raising horses and was touring the country. He indicated that he thought it would be beneficial to invite Mr. Roberts to the Town.

Lisa Edmondson, 4311 SW 93 Avenue, thanked Vice-Mayor Cox for appointing her to the Parks and Recreation Advisory Board. She asked that residents attend the Board meetings to obtain answers to their questions regarding the parks bond issue.

Nancy Wilson, 5741 SW 56 Street, stated that she had met with Vice-Mayor Cox and Councilmember Weiner regarding the proposed employment center and indicated her opposition. She said that she was also in opposition to tearing down an existing wetland to bring in a new wetland which would destroy the wildlife in the area.

Barbara Erickson, Executive Director of Kids Voting Broward, explained the organization. She indicated that she was requesting that the Town adopt voting precincts located on Town property to provide volunteers and to donate \$2,5000 to help defray the costs associated with children voting. Mayor Venis indicated that the request would be considered.

4. PRESENTATIONS

4.1 Davie/Cooper City Chamber of Commerce

Cara Pasquale, President, advised of the events that the Chamber was planning.

4.2 Paramedic/Firefighter Training Status Report

Fire Chief Michael Donati updated Council on the status of training. He added that the Department had an additional five paramedics, three being current employees and two were new employees. Chief Donati indicated that the Town currently had 28 paramedics on staff.

4.3 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: mail in registrations for in-house soccer (registration begins September 21st); girls softball registration (practice begins September 8th); open house registration for after school programs, teen programs, and adult and senior programs (September 12th).

Police Lieutenant Gary Killam advised that the Town's Police Athletic League basketball teams placed first and second in the tournament. He stated that the grand opening of the League's building September 12th at Potter Park and the Annual Spaghetti Dinner would be held on October 21st. Lieutenant Killam stated that the League strongly supported the parks bond issue.

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Annual Labor Day Family Splash (September 7th); 5 Star Only Bulls Series (September 12th); Annual Country Craft and Car Show (September 19th - 20th); and 5 Star Rodeo (September 25th - 26th).

5. OCCUPATIONAL LICENSES

Home Occupational Licenses

5.1 B & D Lights & Rigs Inc., 11700 SW 20 Street (tabled from August 19, 1998)

Bill Hennessy, the applicant, was present. He confirmed that the request was for mail and phone use only.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

5.2 White Rose Antiques, 14250 SW 23 Street (tabled from August 19, 1998)

Sheila Bemis, the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the

vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

5.3 Bottom Line Images, Inc., 3161 SW 117 Avenue
The applicant was not present.

5.4 Honeycreek Kennels, Inc., 14120 SW 24 Street
The applicant was not present.

5.5 Shelly Minaya, 1811 SW 136 Avenue
The applicant was not present.

5.6 Suncrest Services, Inc., 2911 SW 108 Way
Ginger Savage, the applicant, was present. She confirmed that the request was for mail and phone use only. Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 10.6 and 10.7 needed to be tabled to September 16, 1998. Councilmember Paul made a motion, seconded by Councilmember Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 10.8, 10.9, 10.10 and 12.1 needed to be tabled to October 7, 1998. Councilmember Bush made a motion, seconded by Councilmember Paul, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

6. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

APOLOGIES. Councilmember Weiner apologized to his wife for not mentioning their 10th wedding anniversary at the last Council meeting.

APPRECIATION. Councilmember Weiner extended his sincerest appreciation to Mr. Rawls for taking on a considerable workload. He thanked Mr. Rawls for satisfactorily resolving the issue [involving a Town vehicle] during the election campaign.

CHARTER SCHOOL. Councilmember Weiner stated that his family visited the Pembroke Pines Charter School and indicated that there were approximately 250 people who visited the School.

SEPTEMBER ELECTION. Councilmember Weiner stated that an election was held on September 1st and hoped that people voted.

ROBERTS RULES OF ORDER. Councilmember Weiner advised that the Town's Charter required that meetings be run by Roberts Rules of Order and indicated that following these Rules would move the meeting along more quickly.

VICE-MAYOR COX

SCHOOLS. Vice-Mayor Cox stated that she attended the dedication of the new high school at McFatter Vocational and Technical School and explained that there would be 600 students attending the School.

TRAFFIC SIGNAL. Vice-Mayor Cox asked Mr. Rawls to contact the County regarding a left turn traffic signal at Nob Hill Road and I-595.

MEETING. Vice-Mayor Cox stated that she had scheduled a meeting with the residents of Stirling Lake to discuss wetlands and indicated that she would be filing a disclaimer with Town Clerk Reinfeld regarding the individuals who attended the meeting. She explained that the residents turned the meeting into something other than what it was intended and she was not aware that Councilmember Weiner was in attendance.

COUNCILMEMBER PAUL

CONGRATULATIONS. Councilmember Paul congratulated Vice-Mayor Cox on her being a guest columnist in one of the local papers.

COMMENDATION. Councilmember Paul stated that she had sent a letter of commendation to Officer Diedrick and explained that Officer Diedrick was trying to divert traffic around rocks that had been dumped on Nob Hill Road.

MEETING. Councilmember Paul reminded everyone of her informal meeting being held on September 10th.

HEALTH FAIR. Councilmember Paul thanked the individuals who helped with the health fair that was held this weekend at Ehlinger Apartments. She added that over 500 children were seen.

FISH FARM. Councilmember Paul asked for information and a financial statement on the fish farm.

PHYLLIS KOWAL. Councilmember Paul stated that Ms. Kowal was a good friend and would be missed.

SCHOOLS OF EXCELLENCE. Councilmember Paul stated that she attended a Schools of Excellence program. She advised that the keynote speaker spoke on good teachers and she shared some of the speech.

COUNCILMEMBER BUSH

SCHOOL. Councilmember Bush stated that he attended the dedication of the McFatter Technical Magnet High School.

BRUCE BERNARD. Councilmember Bush stated that Chief Engineering Inspector Bruce Bernard had been chosen as a recipient of the Optimist International Hall of Fame. He extended his congratulations to Mr. Bernard.

MAYOR VENIS

THANKS. Mayor Venis thanked Ms. Stafiej for her efforts on the Photo Shootout with New Zealand.

DISCOUNT AUTO PARTS STORE. Mayor Venis stated that he had spoken with residents of Pine Island Bay and one of the concerns was with the trash receptacles around the building and work being done in the parking lot at Discount Auto Parts. He asked that enforcement be conducted in this area. Ms. Mellgren advised that there were multiple Code Enforcement cases at this location and staff was aggressively pursuing the matter.

CANDIDATES NIGHT. Mayor Venis thanked the Davie Merchants and Industrial Association for allowing him to moderate their Candidates Night.

WATERFORD PATIO AREA CONCERNS. Mayor Venis stated that he had spoken with the board of directors from the Waterford Patio Homes on the maintenance of the overpass. He indicated that he had also spoken to a resident who was concerned with what Sunrise was charging for water.

NEW HIGH SCHOOL. Mayor Venis stated that he also attended the dedication of the McFatter Vocational and Technical High School.

FUNDRAISER. Mayor Venis stated that Council attended the Boys and Girls Club fundraiser which benefited the Town's Boys and Girls Club and indicated that the fundraiser was a huge success.

TREE PLANTING CEREMONY. Mayor Venis stated that he, Vice-Mayor Cox and Councilmember Paul attended a tree planting ceremony in honor of a former employee who had passed away. He indicated that the family was appreciative of the plaque and tree.

HOMEOWNER'S MEETINGS. Mayor Venis stated that he would be attending the Shenandoah homeowners meeting on September 16th and the Orange Park homeowners meeting on September 17th.

GOLF TOURNAMENT. Mayor Venis stated that he and Councilmember Bush participated in the Soroptimist International Golf Tournament.

7. TOWN ADMINISTRATOR'S COMMENTS

PARKS BOND ISSUE. Mr. Rawls stated that staff could not legally promote the decision of the parks bond issue but they were taking the initiative to provide information. He advised that the first draft of the brochure had been prepared which addressed a lot of questions. Mr. Rawls added that the bond issue was the feature article in the Davie Update and thanked the Parks and Recreation Advisory Board and volunteers for their efforts.

8. CONSENT AGENDA

Minutes

8.1 May 5, 1998 - Workshop Meeting

8.2 July 15, 1998 - Regular Meeting

Parade Permit

8.3 South Florida Striders (September 20, 1998; 7:30 a.m. to 8:30 a.m.)

Proclamations

8.4 Constitution Week (September 17 - 23, 1998)

8.5 National Pollution Prevention Week (September 21 - 27, 1998)

8.6 Florida City Government Week (October 18 - 24, 1998)

Resolutions

8.7 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-270 AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH JOE KELLJCHIAN FOR KARATE CLASSES. (instructor to be compensated 75% of class fee, not to exceed \$20,000)

8.8 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-271 AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH DINA P. AYERS FOR PRE-SCHOOL. (instructor to be compensated 75% of class fee, not to exceed \$40,000)

8.9 **CONCESSIONAIRE SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-272 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PARKSIDE CONCESSIONS, INC. FOR CONCESSIONAIRE SERVICES AT BAMFORD SPORTS COMPLEX, PINE ISLAND POOL, AND SHENANDOAH PARK. (three-year contract; \$625 monthly revenue to the Town)

8.10 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-273 BID FOR CONCRETE RECREATIONAL PATHS. (Doug Amos Construction - lowest bidder)

8.11 **EXTENDING BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-274 EXTENDING THE BID FOR SLUDGE HAULING. (H & H, Inc.)

8.12 **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-275 APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 1-2-98, Hulmes Plat, south of Griffin Road between SW 55 Avenue and SW 58 Avenue) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

8.13 **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-276 APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 6-1-98, Bob Roth's New River Groves Plat, 5660 Griffin Road) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

8.14 **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-277 APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 6-2-98, Stirlingwood III Plat, 7230 Stirling Road) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

8.15 LOCAL MITIGATION STRATEGY - A RESOLUTION OF THE TOWN OF DAVIE, R-98-278 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BROWARD COUNTY FOR PARTICIPATION IN THE DEVELOPMENT OF A LOCAL MITIGATION STRATEGY.

8.16 TRAVEL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-279 AUTHORIZING EXTENDED TRAVEL FOR OFFICER BERNARD CANELLAS OF THE DAVIE POLICE DEPARTMENT. (Instructor Techniques Training - \$175

8.17 TRIP TRANSFER AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-280 FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, FRANK AND GARY SHEAR, MARIO AND KARON ZACCO, AND CC-INVESTORS 1997-11, RELATING TO THE TRANSFER OF COMMITTED TRIPS ON A PLATTED PARCEL; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (DG 8-3-98, S & Z Plat)

8.18 GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-281 AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO APPLY AND ACCEPT A GRANT WITH THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE PREVENTION/INTERVENTION PROGRAM FOR FUNDING IN THE AMOUNT OF \$50,000 WITH A 20% IN-KIND MATCH FOR A "SPORTS OFFICIALS IN TRAINING" PROGRAM.

8.19 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-282 AUTHORIZING THE MAYOR TO EXECUTE A UNITY OF TITLE AGREEMENT BETWEEN THE TOWN, AND ROBIN SINGER AND SYLVIA GIARDINA; PROVIDING FOR AN EFFECTIVE DATE.

8.20 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-283 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN BOYS AND GIRLS CLUB OF BROWARD COUNTY AND THE TOWN OF DAVIE. (March 3 - 7, 1999; waiver of fee)

Ordinance - First Reading (Public Hearing to be held September 16, 1998)

8.21 WARRANTY DEED - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A WARRANTY DEED FROM RALPH E. AND PENELOPE G. NORTON CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (5775 Orange Drive)

Councilmember Paul asked that item 8.20 be removed from the Consent Agenda.

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on item 8.21 would be held on September 16, 1998.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.20 Councilmember Paul questioned when additional information would be available on WestFair. Ms. Stafiej indicated that the event had been reduced from ten days to five days.

Ina Adler, WestFair Coordinator, stated that there was a slight increase in last year's attendance compared to the previous year. She advised that a WestFair board meeting would be held on September 8th. Ms. Adler indicated that the net profit was \$50,000, however, this was not substantial for a ten day event. She added that it was hoped that additional monies would be raised this year.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was

as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9. SITE PLANS

9.1 SP 6-3-98, Stirling Road Apartments - Phase II, immediately east of 7350 Stirling Road (RM-10) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report, the dumpster being relocated by working with staff and Engineering, that the three-story portion of the building be guttered, and recommending that a proper location for a tot lot be provided during Phase I or Phase II of the project*

Bonnie Miskel, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, read the planning report.

Ms. Miskel explained the request. Ms. Mellgren advised that the property owner was donating approximately 3.8 acres to the Town.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

10.1 **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-36 VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 48 STREET, WEST OF SW 52 AVENUE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 12-1-98, Nickerson, 5357 SW 48 Street)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Gladys DeGiralimo, representing the applicant, was present.

Mayor Venis closed the public hearing

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10.2 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-37 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RM-10 TO RM-16; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-1-98, Affordable Landmarks, Inc./Viele, Individually, and Griffin, Sr., 7230 Stirling Road)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10.3 **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-38 VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN PARCEL F OF THE I.C.W. PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 6-1-98, BMS of Broward, Inc., 15701 SW 41 Street)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul -

yes; Councilmember Weiner - yes. (Motion carried 5-0)

Resolution

10.4 FIRE RESCUE ASSESSMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-284 FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1998; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution.

Jay Stahl, 5801 Surrey Circle West, questioned if the assessment would be the same as last year with Mr. Rawls responding in the affirmative.

Mayor Venis closed the public hearing.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Quasi Judicial Items

10.5 REZONING - ZB 7-1-98, Orshefsky/Mark-Age, Inc., 5451 SW 64 Avenue (from RO and A-1 to CF)

Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren indicated that she saw no witnesses being sworn in who were in opposition and requested that she be allowed to summarize the report. As no objections were noted, Ms. Mellgren summarized the planning report and stated that the following documents were to be included into the record: the planning report, the aerial map and all exhibits.

Debbie Orshefsky, representing the petitioner, explained the request. Judy Dempsey, representing the petitioner, explained the philosophy of a Montessori school. Ms. Orshefsky added that the petitioner had offered a voluntary covenant which restricted the uses of the property to primary, elementary, middle and high school facilities, a caretakers residence and a barn for large animals.

Vice-Mayor Cox questioned if a barn would be permitted in a CF zoning with Ms. Mellgren responding that the Code was "silent" to this matter.

Councilmember Paul advised that she had been introduced to Ms. Dempsey and had discussed the possibilities of her school locating to the Town. She questioned how many students were anticipated with Ms. Dempsey indicating that she did not anticipate more than 200 until the school expanded. Ms. Orshefsky advised that any expansion would be returned to the Council for a series of approval actions. Councilmember Paul questioned how much open space would remain after the expansion with Ms. Dempsey replying 75%. Councilmember Paul questioned the traffic flow with Ms. Orshefsky explaining the traffic pattern.

Councilmember Weiner disclosed that he had viewed a video of the Montessori school provided by Ms. Dempsey and asked that a copy of the video be provided to Ms. Mellgren.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke. Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Weiner - yes. (Motion carried 5-0)

Items to be tabled

10.6 STAFF REQUESTING A TABLING TO SEPTEMBER 16, 1998

REZONING - ZB 5-3-98, Investor Financial Corporation/Brenner, 5805 Davie Road (from B-2 and R-2 to RM-10) (tabled from August 19, 1998) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

10.7 STAFF REQUESTING A TABLING TO SEPTEMBER 16, 1998

VARIANCE - V 6-4-98, Investor Financial Corporation/Brenner, 5805 Davie Road (B-2 and R-2) (tabled from August 19, 1998) (to reduce the minimum required street side yard from 25 feet to 13 feet; to reduce the minimum required front yard of 25 feet to 22 feet; to reduce the minimum rear yard from 25 feet to 20 feet; and to reduce the minimum separation between buildings from 20 feet to 15 feet between buildings) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

10.8 STAFF REQUESTING A TABLING TO OCTOBER 7, 1998

PUBLIC HEARING - LA(TXT)-98-1-E, Amending the text to the Town of Davie Comprehensive Plan (tabled from August 19, 1998)

This item was tabled earlier in the meeting.

10.9 STAFF REQUESTING A TABLING TO OCTOBER 7, 1998

PUBLIC HEARING - ZB(TXT)-1-1-98, Amending the text to the Town of Davie Land Development Regulations (tabled from August 19, 1998)

This item was tabled earlier in the meeting.

10.10 STAFF REQUESTING A TABLING TO OCTOBER 7, 1998

LAND USE PLAN AMENDMENT - LA BC 98-3A, Town of Davie, generally located south of SW 48 Street, east of SW 58 Avenue, north of the FPL primary transmission easement, and west of the Florida Turnpike (from Residential 1 du/ac and Residential 5 du/ac to Employment Center and Recreation and Open Space) (tabled from March 18, 1998) *Planning and Zoning Division recommended approved; Local Planning Agency recommended denied*

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

11. ORDINANCE - FIRST READING (Public Hearing to be held September 16, 1998)

11.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RO AND A-1 TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-98, Orshefsky/Mark-Age, Inc., 5451 SW 64 Avenue)

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing would be held on September 16, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

12. RESOLUTION

12.1 STAFF REQUESTING A TABLING TO OCTOBER 7, 1998

LAND USE PLAN TRANSMITTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LABC-98-3A FOR AMENDMENT OF THE TOWN OF DAVIE FUTURE LAND USE PLAN MAP ON ITS MERITS; AUTHORIZING TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL; REQUESTING THE COUNTY ADOPT A CORRESPONDING AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN; AUTHORIZING THE BROWARD COUNTY PLANNING COUNCIL TO TRANSMIT THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE. (generally located south of SW 48 Street, east of SW 58 Avenue, north of the FPL primary transmission easement, and west of the Florida Turnpike) (tabled from March 18, 1998)

This item was tabled earlier in the meeting.

13. APPOINTMENTS

13.1 Child Safety Board (Councilmember Bush - two exclusive appointments; term August 1998 to July 1999)
Councilmember Bush appointed Lorraine Hoffman and deferred his second appointment.

13.2 Open Space Advisory Committee (Councilmember Bush - one exclusive appointment; Councilmember Paul - one exclusive appointment; term August 1998 to July 1999)
Councilmember Bush appointed Dr. Christina Pellicane. Councilmember Paul appointed AnnaMarie Patella.

13.3 Parks and Recreation Advisory Board (Mayor Venis - one exclusive appointment; September 1998 to August 1999)
Mayor Venis deferred his appointment to the next meeting.

13.4 Unsafe Structures Board (one non-exclusive appointment; appointment shall be an electrical contractor; term expires April 1999)
Ms. Mellgren indicated that she had a potential appointment to this Board. This item was deferred to the next meeting.

14. DISCUSSION AND POSSIBLE ACTION - OLD BUSINESS

14.1 Broward Alliance - Discussion of membership (Mayor Venis)
Mayor Venis advised that this issue had been discussed at a previous meeting and asked what Council's position on membership. He indicated that he thought the cost membership was \$15,000 over a five year period. Vice-Mayor Cox indicated that she would like more information on the Alliance's goals and what the Town would receive from the Alliance. Councilmember Paul agreed with Vice-Mayor Cox and indicated that it had previously been discussed if the Alliance would duplicate the Town's effort with the Economic Development Council (EDC). Mayor Venis indicated that the EDC was in favor of the membership, however, several questions needed to be answered. Mr. Rawls indicated that staff would forward the questions to the Alliance.

15. NEW BUSINESS

15.1 Proposed Policy Statement Requiring Councilmembers to Report to the Town Council the Information and Findings Derived from Attending Conferences and Seminars (Councilmember Paul)
Councilmember Paul stated that this type of policy would provide an opportunity to share information with other Councilmembers and the public and would provide accountability. Mayor Venis indicated that it had been past policy that conference information was shared during Council meetings and copies of information was being provided to the department heads. Vice-Mayor Cox agreed. Councilmember Bush indicated that videos could be obtained to share.

15.2 Proposed Policy Regarding Treatment of Monopole Communication Towers to Reflect the Appearance of Pine Trees or Palm Trees (Councilmember Paul)
Councilmember Paul stated that the cities of Parkland, Coral Springs, and Plantation allowed monopoles but were requiring that the poles take on the appearance of a tree. She indicated that she felt that the Town should look into how it wanted to handle cell towers as she perceived this issue to be a problem.

Councilmember Paul advised that the Town had received a letter from the Vista Filare homeowner's association who was concerned that a precedent had been set and indicated that she had requested an opinion from Mr. Webber. Mr. Webber said that a proposal could not be denied solely on the basis of a monopole being on a billboard. He added, however, should an application for monopole on top of a billboard be accepted, Council was not bound to grant the request because it had been granted before. Mr. Webber indicated that Council would still have the opportunity to review other criteria depending upon what was required by the zoning category. Councilmember Weiner questioned if it was a separate and distinct fact that could justify Council to not approve the request if it was determined that the antennae did not have to be at the location on top of the billboard as was indicated during the presentation. Mr. Webber replied affirmatively.
Mayor Venis stated that at the last meeting, it was represented that there was a deed restriction on

telecommunication equipment on the site by Vista Filare. Ms. Mellgren clarified that she had stated at the last meeting that she was 95% certain that there was some sort of deed restriction which addressed telecommunication towers on the site but she was not 100% certain and she needed the opportunity to research the deed restrictions. She stated that the deed restrictions on the property west of Vista Filare provided that a separate telecommunication tower was a prohibited use. Ms. Mellgren advised that at the time the rezoning took place, it was clearly the Town's intent that it did not want to see the towers "go up there." She indicated that she had requested that Bill Laystrom find out if the Town could clarify the deed restrictions with the property owner. Mayor Venis questioned if the Town could verify the validity of the locations. Ms. Mellgren advised that Town staff did not have this level of expertise. Mr. Rawls indicated that in some of the earlier presentations, this type of information was requested and which was very detailed and technical. He advised that the legislation allowed locations to be sited properly and in the best interest of the Town. Mr. Rawls added that the legislation did not allow the Town to unreasonably deny a request but the Town did not have to approve every application. Mr. Webber indicated that it would have to be demonstrated that the location was the only place "it" could go. Vice-Mayor Cox questioned if the Town could require an antenna to be moved if it was later learned that there was another location available. Mr. Webber responded that there would be some problems, however, if there was a blatant misrepresentation, the Town could do what was needed to undo the situation. He stated that it would be better if an early determination could be made or if the Town could hire an expert to advise the Town. Vice-Mayor Cox questioned if the cost of an expert could be included in the permitting fee structure with Ms. Mellgren indicating that the fee schedule could be amended to include this cost. Vice-Mayor Cox stated that if the Town could hire a consultant and it was found that the tower could be located elsewhere, she would entertain reconsidering her vote as she made a decision based on an applicant's representation. Mayor Venis questioned the procedure for reconsidering a vote. Mr. Webber explained that rather than a reconsideration and without any time limit, Council could rescind or amend a prior vote. He stated that time was of the essence if this type of action was to be taken. Mr. Webber suggested that there be a motion to amend a vote, place the petitioner on notice and table the actual subsequent action. He indicated that this would open up the issue and suggested that the applicant be notified when the issue was to be considered for a final decision. Mr. Webber added that the vote to amend Council's prior vote should be based upon issues that Vice-Mayor Cox's had raised.

Vice-Mayor Cox stated that the only way to determine if the applicant had truthfully represented that the proposed location was the only site available was to hire someone to provide this information. Councilmember Weiner questioned the cost of hiring someone with Ms. Mellgren indicating that informal bids would have to be obtained as she did not know the cost of this service. Councilmember Weiner indicated that there seemed to be a question whether the applicant's representations were accurate and completely candid. He added that it may not be necessary to have another tower, if the signal strength was not optimal and the applicant only wanted to boost the strength. Mr. Rawls indicated that he felt that staff could return to Council at the next meeting with cost evaluations for the analysis and he added that from reviewing several of the communication proposals, there was considerable flexibility in design.

Mr. Webber suggested that the motion be to amend the prior approval subject to the Town receiving additional information regarding the necessity of the antennae being at the proposed location. Councilmember Weiner questioned if the motion could be to suspend until after the analysis from the consultant had been received without providing a specific date for a hearing. Mr. Webber indicated that he would rather have a specific hearing rather than to specifically suspend indefinitely.

Vice-Mayor Cox made a motion, seconded by Councilmember Paul, to amend Council's approval subject to the Town obtaining additional information regarding the necessity of locating the tower at that particular site and that the Town hire a consultant to study that location to determine if that location was the only appropriate location and that the consultant return in 30 days, October 7, 1998, to report so that Council could determine whether or not it was an appropriate location for the tower. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mr. Webber advised that he had reviewed Vista Filare's restrictions and the property that Vista Filare was concerned with was industrial zoned property. He stated that a telecommunications tower on M-1 property did not have to "be handled" by special permit. Mr. Webber indicated that Ms. Mellgren's suggestion to clarify the

restrictions with the property owner was very important. Ms. Mellgren added that an amendment to the Code could be explored.

Councilmember Paul questioned if staff could gather information from other cities on the appearances of poles. She stated that if she could be shown a good project with integrity and value which had merit, you would not find the principles offering to make donations to local charities. Councilmember Paul indicated that she was concerned with being compromised with individuals making offers and if you voted against it, it looked as if you were opposed to the particular charities. She added that Council needed to do what was best for the Town and to look at the big picture.

15.3 Request from Police Pension Board (Mayor Venis)

Mr. Rawls advised that it had been recommended that there be a Councilmember on the Police and Fire Pension Boards to provide Council representation. He stated that the Police Pension Board had indicated that they liked having a Councilmember on the Board and had asked that a Councilmember be reappointed. Councilmember Bush indicated that he would be interested in serving on the Board.

Vice-Mayor Cox made a motion to appoint Councilmember Bush as the representative to the Police Pension Board. Councilmember Weiner questioned if Ms. Santini had resigned from the Board or would Council need to remove her from the position. Vice-Mayor Cox rescinded her motion.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to remove her [Ms. Santini]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Weiner made a motion, seconded by Mayor Venis who passed the gavel, to appoint Councilmember Bush to the Police Pension Board. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mr. Rawls advised that last minute revisions to the budget packet were being distributed and apologized for the delay. He indicated that the budget hearing would be held on September 3rd.

16. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 9:58 p.m.

